

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the
Southern District of New York
 _____ Division

Mitchell Rivera

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Wegman's Food Markets

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. _____

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

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COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Mitchell Rivera
132-10 S. Conduit Ave
Jamaica, Queens County
New York 11430
(212) 470-9588
mitchellrivera2fb@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Wegman's Food Markets

1500 ~~Rochester Ave~~ Brooke Ave
Rochester, NY 14624

(585) 328-2550

Defendant No. 2

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Defendant No. 3

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Defendant No. 4

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

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II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

1483 Claim

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) Mitchell Rivera, is a citizen of the
State of (name) New York.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
under the laws of the State of (name) _____,
and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (name) _____, is a citizen of
the State of (name) _____. Or is a citizen of
(foreign nation) _____.

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b. If the defendant is a corporation

The defendant, (name) Wegman's Food Markets, is incorporated under the laws of the State of (name) New York, and has its principal place of business in the State of (name) multi-state.
 Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

see attachment

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

see attachment

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

\$2,000,000

see attachment

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

12/12/17

Signature of Plaintiff

Printed Name of Plaintiff

Mitchell Rivera**B. For Attorneys**

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

3.) The Amount in Controversy:

The Defendant owes the plaintiff \$2,000,000 for depriving his civil rights by working with the Liverpool police (1983 claim), interfering in his business relationships through deception, racial abuse (I am a Puerto Rican male whom is part black with white skin), romantic relationships, family relationships (father, daughter, sister), pain and suffering caused by intentionally attempting to provoke me to violence (which I rejected), and smear my character tied to the death of Eric Garner who was my friend's uncle. The defendant contributed to my, and my artist's inability to earn financially from music from 2014-17 by interfering with mass viral marketing, and with my associates.

III.) Statement of Claim

I was a regular shopper at Wegmans, in Liverpool, NY from 4/2014 until 5/2017. During this time I spent thousands and thousands of dollars at this store, as it was the only suitable supermarket in the area. During this time the Liverpool police/sheriff knowingly placed undercover detectives at this store (unknown officers) and allowed regular staff to violate my Civil Rights in direct violation of the 14th Amendment which is protected by the United States Constitution. The unlawful justification was the pursuit of state and federal investigations involving other people ~~_____~~
E employees made this overtly and obnoxiously obvious during this time period. The employees also attempted to confuse me over my own business affairs and I will go into a brief detail out of necessity. I have made music since 1995 and am currently a graduate student at the Aaron Copeland School of Music in Queens, New York. I also have received a BS in Business Management from Stony Brook, NY and have made the Dean's List in my past. My friend/artist George Bayona was with Sony Records

before, and his brother who I've also worked with and am friends with was signed with Fat Joe. We started a project in 2011 that has been hindered in part to the behavior of Wegman's employees all while Fat Joe had a number one record. He has toured with Big Pun, Camron, Joe Budden, and many more. My other friend Gabriel Baez is a music exec and artist with multiplatinum credits for R Kelly, Justin Timberlake, 2 Pac, Lil John, and many more. I've produced for him before as recently as last week. Gabriel is a friend of 50 Cent, whom I also think knows George. Gabriel is also Eric Garner's nephew. You must remember when we started out making music all of these people weren't famous yet. 50 Cent, Eminem, and Joe Budden, and more attempted to help George and I advertise our product via making some battle records aimed at us, and Mobb Deep expressed interest in hiring me to produce records starting in 2011. This came after my lawyer Jeffrey Jacobson shopped a demo for me to Universal Records a few years back. Another reason for our advertising is because my dead mother's boyfriend was Fat Joe's friend and a Spanish singer, my uncle in law also had a gold record, and I know PMD from EPMD, and his mother, and siblings since 1996. What the employees of this Wegmans did was laugh at me, mock me over racial issues because I have white skin but am 100 percent Puerto Rican, pretend they were mocking me because they liked 50 Cent and he dissed us on record. Specifically what they were instructed to do was laugh at me for no reason in order to make me feel uncomfortable in order to see what I would say or do on camera, and/or told whatever it would take to achieve this. This violates all due process laws, and is attempting to incite violence. Another issue they battered me about, thereby destroying my anonymity was my uncle Danny and Uncle Bobby, who were murder suspects since the 1970s, and served time for drug trafficking. I believe they were suspects in cartel murders, and the disappearance of my deceased grandmother's

landlord before I was born. My Uncle Danny was also arrested once for having sex with a 17-year-old girl when in his 30s in 1996 so the employees would try to bring this issue up, and insinuate I support 13-year-old girls getting raped. They continually involved me in mock To Catch a Predator like scenarios knowing it had nothing to do with me. I never even lived with my uncle and am earning a Masters to work in a music corporate department in some capacity hopefully. In fact I have probably seen Danny less than 50 times in my entire life. The employees assisted allowing police to have 12 year old girls follow me around their store in the middle of the night even though I've never been suspected of being a pedophile around 8/15. I never even lived with my uncle and I am earning a Masters to hopefully work in a music corporate department in some capacity. On several occasions in 2015 they also had workers at the store made up like a porn-star I had watched on my own private computer the night before. They also attempted to aid in preventing me from dating by knowingly placing attractive girls as workers to try to talk to me while simultaneously allowing the police to block off contacting girls who I actually know (Specifically a girl Katie who is friends with Katy Perry). They also did most of this stuff while pretending to investigate infanticide involving my father who was the Northern Region Director of Citicards at Citibank while surveillance records would prove I am not and have never been considered to be a viable witness to any such events or my deceased mother being pregnant after she had me. The reason is I sent in a rap record like The Shinning and it got responses on huge records even though I hadn't sold a lot of records because of who I, and my friends have hung out with. They were specifically trying to go after Gabriel Baez, 50 Cent, George, and Fat Joe, for info or to frame them, and attempted to deceive and batter me. I made many complaints to the Liverpool police, and FBI during this time; which they intentionally ignored, because they were harassing me

outside the store. I also couldn't work there even though I've worked in a grocery store because of all of this staff harassment and mockery for 3 years. I then made a complaint to corporate, and they apologized, and never got back to me with a resolution; probably knowing their employees were illegally interfering in my business, and civil affairs. I saved copies of the letter. Please note I was unable to file earlier due to recent finings, and because I anticipated Wegmans attempting to resolve this. Basically staff attempted to humiliate me in store everyday for 3 years straight. I also have essential tremors, and a great deal of anxiety over all of this. The Reconstruction Civil Rights Act states

5.1.A.2.b.ii. Joint Activity and "Pervasive Entwinement"

Joint activity by a private party and a government agent can also transform the private party into a state actor, where the purpose of the collusion is to violate the federal rights of the plaintiff. Similarly, in *Dennis v. Sparks*, the Court held that private parties who conspired with a judge to fix a case acted under color of law. A nominally private entity controlled by the state is also a state actor

The events I have detailed in effect made Wegmans' employees state actors for an extended period of time, and therefore coconspirators in the deprivation of my civil rights as a citizen of The United States of America.

IV. Relief

\$2,000,000 because the defendant's acts were malicious, deceitful, oppressive, fraudulent, and grossly reckless and caused me a great deal of mental anguish, humiliation, and interfered unlawfully in my business SWW Inc./Jus Cel, and is attached to the aggressive seizure of probable cause without proper interrogation that lead to the death of my friend's uncle at the hand of the NYPD.